REMARKS

In the application claims 24-33 and 42-50 remain pending. No additional claims have been canceled. Claim 24 has been amended and claim 50 has been added. Support for the amendment and added claim may be found in the specification, claims, and figures as originally filed. No new matter has been added.

Pending claims 24-26, 32, 42-47, and 49 presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested. Furthermore, since generic claim 24 should be found to be allowable, it is respectfully submitted that claims 27-31, 33, and 48 must be reinstated into the subject application for patent.

More particularly, claims 24-26, 32, and 42-45 were rejected as being anticipated by Vardi (U.S. Patent No. 6,210,429). In rejecting these claims, the Office Action set forth that Vardi disclosed a main member (12), a side-branch member (15), a delivery system including a main guidewire (20), a side-branch guidewire (36), a main balloon catheter (48), and a side-branch balloon catheter (54). With respect to the remaining claim elements, the Office Action asserted that that the main member (12) and side-branch member (15) are "inherently" biocompatible, circumferentially distensible with minimal foreshortening and low recoil, and kink resistant "so as to support the branch blood vessel."

Claims 46-47 and 49 were rejected as being rendered obvious by Vardi. In rejecting these claims, the Office Action acknowledged that Vardi does not disclose a graft in combination with main member (12) or side-branch member (15). Nevertheless, the Office Action asserted that a graft is well-known in the art and, as such, "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vardi to a stent-graft combination for use in an aneurysm location of a blood vessel."

In response to these rejections of the claims, it is it is respectfully submitted that a rejection under 35 U.S.C. §§ 102 or 103 requires that each and every element set forth in the

claims, considering each and every word, be found, either expressly or inherently, in the reference(s) being relied upon. To be "inherently" described in a prior art reference, the prior art reference "must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill." Inherency "may not be established by probabilities or possibilities." The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Turning to Vardi, it is first respectfully submitted that, while Vardi may disclose a main member (12) and a side-branch member (15), Vardi fails to disclose, teach, or suggest at least the claimed main member comprising a wall having an opening in combination with at least one side-branch member that is integrally connected (e.g., bonded) at a proximal end to the main member at the opening wherein the at least one side-branch member is configured to be extended from within the main member through the opening. Rather, Vardi describes and illustrates a stent apparatus wherein the side-branch member (15) *fails to be connected* to the main member (12). As expressly set forth in Vardi, and clearly illustrated in Figs. 6a – 6g, the side-branch member (15) does not even contact the main branch member (12) until *after* the side-branch member (15) is inserted through a side opening (16) of the main member (12) and then inflated to an expanded position. Thus, since Vardi fails to disclose, teach, or suggest at least the aforementioned claim elements, Vardi cannot be said to anticipate or render obvious the pending claims and the rejection of the pending claims must be withdrawn.

With respect to the remaining claim elements, it is respectfully submitted that the mere fact that the Vardi stent apparatus is provided to support a blood vessel does not make clear that the main member or the side-branch member necessarily is biocompatible, circumferentially distensible *with* minimal foreshortening, has low recoil, or is kink resistant and that it would be so recognized by persons of ordinary skill. Rather, since the Vardi stent

apparatus could support a blood vessel without having any of these claimed features, it is submitted that Vardi cannot be said to inherently disclose the missing claim elements and the rejection of the claims must be withdrawn.

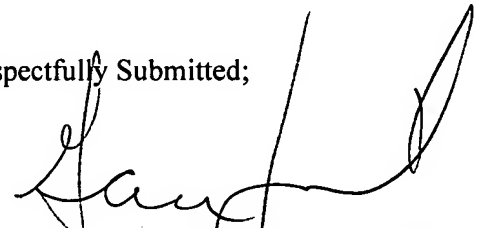
Finally, with respect to the rejection under 35 U.S.C. § 103, the applicant respectfully traverses the position in the Office Action that it is well-known in the art to have a stent-graft combination. Thus, in accordance with MPEP § 2144.03, the applicant respectfully requests that a reference be cited that supports the assertion that stent-graft combinations are well-known and which also provides the teaching or suggestion to modify Vardi that is required to maintain the rejection under 35 U.S.C. § 103.

CONCLUSION

The subject application is considered to be in condition for allowance. Such action on the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner authorized to charge any fee deficiency to deposit account number 50-2428.

Respectfully Submitted;



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